

AMENDED IN SENATE APRIL 12, 1999

AMENDED IN SENATE MARCH 25, 1999

SENATE BILL

No. 278

**Introduced by ~~Senator Karnette~~ Senators Karnette and
Knight**

(Coauthor: Assembly Member Machado)

February 2, 1999

An act to amend, *repeal, and add* Section 13202.7 of, and to add *and repeal* Section 12814.8 ~~to~~ of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 278, as amended, Karnette. Driving privilege: minors.

(1) Existing law requires the Department of Motor Vehicles to issue a driver's license to a person who is under 18 years of age in accordance with a prescribed provisional licensing program.

This bill would require an applicant for a provisional driver's license to submit to the department *one of the following: (a) documentation that is satisfactory to, on a form prepared by the department, certifying that the applicant is attending school in accordance with specified requirements of the Education Code, (b) documentation, that is satisfactory to the department, certifying that the applicant is a high school graduate or a holder of a high school equivalency certificate, or (c) a waiver, as specified, establishing that the applicant has a compelling personal or family hardship.*

(2) Existing law authorizes the juvenile court to suspend or order a delay in the issuance of the driving privilege of a minor who is an habitual truant, as defined, or who is adjudged to be a ward of the court, as prescribed.

This bill would require the juvenile court to suspend or order a delay in the issuance of the driving privilege of that minor, as prescribed. The bill also would authorize a court, court referee, or juvenile hearing officer, after a hearing and after a finding is made that a minor is an habitual truant, as specified, to suspend a minor's driving privilege. The bill would provide for a hardship exception for those minors who have not previously been subject to a suspension or delay. By imposing additional duties on court personnel ~~and the department~~, the bill would impose a state-mandated local program.

(3) *The provisions of the bill would remain in effect only until January 1, 2006, and as of that date would be repealed, unless a later enacted statute deletes or extends that date.*

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12814.8 is added to the Vehicle
2 Code, to read:
3 12814.8. (a) In addition to the requirements set forth
4 in Section 12814.6, a person applying for a provisional
5 driver's license shall submit documentation, that is

~~satisfactory to the department, certifying that the driver's license shall comply with one of the following:~~

(1) Submit documentation, on a form prepared by the department, certifying that the applicant is attending school in compliance with Chapter 2 (commencing with Section 48200) of, and Chapter 3 (commencing with Section 48400) of, Part 27 of the Education Code and has not been classified as an habitual truant pursuant to Section 48262 of the Education Code.

(2) Submit documentation, that is satisfactory to the department, certifying that the applicant is a high school graduate or a holder of a high school equivalency certificate.

(3) Submit a waiver, that is satisfactory to the department and consistent with guidelines established by the department, establishing that the applicant has a compelling personal or family hardship requiring the issuance of a provisional driver's license in accordance with this section.

(b) This section shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted on or before January 1, 2006, deletes or extends that date.

SEC. 2. Section 13202.7 of the Vehicle Code is amended to read:

13202.7. (a) (1) Except as specified in subdivision (c), a minor under the age of 18 years, but 13 years of age or older, who is an habitual truant within the meaning of Section 48262 of the Education Code, or who is adjudged by the juvenile court to be a ward of the court under subdivision (b) of Section 601 of the Welfare and Institutions Code, shall have his or her driving privilege suspended for any period of time up to the minor's 18th birthday by the court. If the minor does not yet have the privilege to drive, the court shall order the department to delay issuing the privilege to drive including the privilege to obtain an instruction permit pursuant to Section 12509, for one year subsequent to the time the person becomes legally eligible to drive. However, if there is no further truancy in the 12-month period, the

1 court, upon petition of the person affected, may modify
2 the order imposing the delay of the driving privilege. For
3 each successive time the minor is found to be a habitual
4 truant, the court shall suspend the minor's driving
5 privilege for a minor possessing a driver's license, or delay
6 the eligibility for the driving privilege for those not in
7 possession of a driver's license, for one additional year.

8 (2) Whenever a school attendance review board, after
9 a hearing, makes a finding that a minor, under the age of
10 18 years, but 13 years of age or older, is an habitual truant
11 within the meaning of Section 48262 of the Education
12 Code, a court, court referee, or juvenile hearing officer
13 may suspend the minor's driving privilege.

14 (b) Whenever the court suspends a minor's driving
15 privilege pursuant to subdivision (a), or is notified by a
16 court referee or a juvenile hearing officer that a minor's
17 driving privilege is suspended under paragraph (2) of
18 subdivision (a), the court shall require all driver's licenses
19 held by the minor to be surrendered to the court. The
20 court, within 10 days following the surrender of the
21 license, shall transmit a certified abstract of the findings,
22 together with any driver's licenses surrendered, to the
23 department.

24 (c) A court is not required to suspend or order a delay
25 in the issuance of a minor's driving privilege pursuant to
26 subdivision (a) if the court determines that a personal or
27 family hardship exists that requires the minor to have a
28 driver's license for his or her own, or a member of his or
29 her family's, employment or for medically related
30 purposes and the driving privilege of the minor has not
31 previously been subject to a suspension or delay pursuant
32 to subdivision (a).

33 (d) The suspension, restriction, or delay of a minor's
34 driving privilege pursuant to this section shall be in
35 addition to any other penalty imposed by law on the
36 minor.

37 ~~SEC. 3.~~

38 (e) *This section shall remain in effect only until*
39 *January 1, 2006, and as of that date is repealed, unless a*

1 *later enacted statute that is enacted on or before January*
2 *1, 2006, deletes or extends that date.*

3 *SEC. 3. Section 13202.7 is added to the Vehicle Code,*
4 *to read:*

5 *13202.7. (a) Any minor under the age of 18 years, but*
6 *13 years of age or older, who is an habitual truant within*
7 *the meaning of Section 48262 of the Education Code, or*
8 *who is adjudged by the juvenile court to be a ward of the*
9 *court under subdivision (b) of Section 601 of the Welfare*
10 *and Institutions Code, may have his or her driving*
11 *privilege suspended for one year by the court. If the*
12 *minor does not yet have the privilege to drive, the court*
13 *may order the department to delay issuing the privilege*
14 *to drive for one year subsequent to the time the person*
15 *becomes legally eligible to drive. However, if there is no*
16 *further truancy in the 12-month period, the court, upon*
17 *petition of the person affected, may modify the order*
18 *imposing the delay of the driving privilege. For each*
19 *successive time the minor is found to be an habitual*
20 *truant, the court may suspend the minor's driving*
21 *privilege for a minor possessing a driver's license, or delay*
22 *the eligibility for the driving privilege for those minors*
23 *not in possession of a driver's license, for one additional*
24 *year.*

25 *(b) Whenever the juvenile court suspends a minor's*
26 *driving privilege pursuant to subdivision (a), the court*
27 *may require all driver's licenses held by the minor to be*
28 *surrendered to the court. The court, within 10 days*
29 *following the surrender of the license, shall transmit a*
30 *certified abstract of the findings, together with any*
31 *driver's licenses surrendered, to the department.*

32 *(c) When the juvenile court is considering suspending*
33 *or delaying a minor's driving privilege pursuant to*
34 *subdivision (a), the court shall consider whether a*
35 *personal or family hardship exists that requires the minor*
36 *to have a driver's license for his or her own, or a member*
37 *of his or her family's, employment or for medically*
38 *related purposes.*

39 *(d) The suspension, restriction, or delay of a minor's*
40 *driving privilege pursuant to this section shall be in*

1 *addition to any other penalty imposed by law on the*
2 *minor.*

3 *(e) This section shall become operative on January 1,*
4 *2006.*

5 SEC. 4. Notwithstanding Section 17610 of the
6 Government Code, if the Commission on State Mandates
7 determines that this act contains costs mandated by the
8 state, reimbursement to local agencies and school
9 districts for those costs shall be made pursuant to Part 7
10 (commencing with Section 17500) of Division 4 of Title
11 2 of the Government Code. If the statewide cost of the
12 claim for reimbursement does not exceed one million
13 dollars (\$1,000,000), reimbursement shall be made from
14 the State Mandates Claims Fund.

